

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: Annie Feng, Planner II

**SUBJECT:** Ordinance 1st Reading/Quasi-judicial, ZB 3-5-03, Home Dynamics Corporation/Nadeau Charitable Foundation, Inc, 1900 Hiatus Road, Generally located on the east side of Hiatus Road, immediately south of the Village of Harmony Lakes Development.

**AFFECTED DISTRICT:** District 3

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-5-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

### **REPORT IN BRIEF:**

The petitioner is requesting to rezone the subject site of 89 acres from AG (Agricultural District) to A-1 (Agricultural District). The site is designated as Residential (1DU/AC) on the Future Land Use Plan Map, which supports the A-1 zoning district. The A-1 zoning district requires a minimum of 35,000 square feet of lot area and 140 feet of lot frontage while the AG zoning district requires a minimum of 43,560 square feet of lot area and 150 feet lot frontage.

The applicant is proposing 62 single family homes with a 17.6-acre wetland along Hiatus Road in the front part of the 89-acre site. The proposed site design meets the minimum lot area and frontage required by the Land Development Code's residential development standards for the A-1 zoning district. The proposed rezoning is consistent with the Future Land Use Plan designation of residential (1DU/AC) and in compliance with the Comprehensive Plan and the Land Development Code provisions regarding residential uses. The proposed density is .7 on the subject site.

The surrounding zoning is PRD-5, Planned Residential Development District to the north, R-1, Estate Dwelling District to the south and west, R-3, Low Density Dwelling District to the east. The proposed rezoning is compatible with the surrounding zoning and existing land uses.

The subject property is governed by the Rural Life Style Regulation that requires 50-foot scenic corridor along Hiatus Road. The proposed site plan meets the Rural Life Style Regulations in terms of scenic corridor requirements, the minimum lot size of 35,000 square feet and the minimum lot width of 140 feet. The proposed change will allow the developer to achieve the proposed density and provide large wetlands and open spaces on site. The proposed rezoning

is in harmony with the general intent and the purposed of the Town of Davie Land Development Code.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the October 8, 2003, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve (Motion carried 5-0).

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Ordinance, Planning Report, Justification, Conceptual Site Plan, Land Use Map, Zoning and Aerial Map

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-5-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from AG, Agricultural District to A-1, Agricultural District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from AG, Agricultural District to A-1, Agricultural District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

b. The subject property shall be developed in substantial conformance with the conceptual site plan as shown in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as A-1, Agricultural District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division Staff**  
**Report and Recommendation**

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**Applicant Information**

<b><u>Owner:</u></b>	<b><u>Agent:</u></b>
<b>Name:</b> Nadeau Charitable Foundation, Inc	<b>Name:</b> Home Dynamics Corp.
<b>Address:</b> 2600 NE 9 Street	<b>Address:</b> 4788 W. Commercial Blvd.
<b>City:</b> Ft. Lauderdale, FL 33304	<b>City:</b> Tamarac, FL 33319
<b>Phone:</b> (954) 565-7779	<b>Phone:</b> (954) 484-4800

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**Background Information**

**Date of Notification:** October 1, 2003      **Number of Notifications:** 486

**Application History:** No deferrals have been requested.

**Application Request:** Rezone 89 acres **FROM:** AG, Agricultural District; **TO:** A-1, Agricultural District. The purpose of this request is to allow the subject site to be developed with 62 single family homes.

**Address/Location:** 1900 Hiatus Road/Generally located on the east side of Hiatus Road, immediately south of the Village of Harmony Lakes Development.

**Future Land Use Plan Map Designation:** Residential (1 DU/AC)

**Zoning:** AG, Agricultural District

**Existing Use:** Vacant

**Proposed Use:** 62 Single family homes

**Parcel Size:** 89 Acres

**Surrounding Uses:**

<b>North:</b>	Single family dwellings (Harmony Lakes)
<b>South:</b>	Single family dwellings (Northstar)
<b>East:</b>	Single family dwellings
<b>West:</b>	Single family dwellings

**Surrounding Land**  
**Use Plan Map Designations:**

Residential (5 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)

**Surrounding Zoning:**

**North:** PRD-5, Planned Residential Development District  
**South:** R-1, Estate Dwelling District  
**East:** R-3, Low Density Dwelling District  
**West:** R-1, Estate Dwelling District

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## **Zoning History**

**Related Zoning History:**

On October 2, 2002, the Town of Davie adopted Ordinance No. 2002-35 approving rural lifestyle regulations including the Scenic Corridors Overlay District.

The Plat, Sierra Estates, was approved by the Town Council on September 18, 2002.

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## **Application Details**

The petitioner is requesting to rezone the subject site of 89 acres from AG (Agricultural District) to A-1 (Agricultural District). The site is designated as Residential (1DU/AC) on the Future Land Use Plan Map, which supports the A-1 zoning district.

The A-1 zoning district requires a minimum of 35,000 square feet of lot area and 140 feet of lot frontage while the AG zoning district requires a minimum of 43,560 square feet of lot area and 150 feet lot frontage.

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## **Applicable Codes and Ordinances**

Section 12-307 of the Land Development Code, review for rezonings.

Article IX of the Land Development Code, Rural Lifestyle Regulations, requires the following minimums: lot area of 35,000 square feet, 140-foot lot frontage, and scenic corridor buffer requirements.

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## **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 100.

**Applicable Goals, Objectives & Policies:**

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.*

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.*

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## **Staff Analysis**

The applicant is proposing 62 single family homes with a 17.6-acre wetland along Hiatus Road in the front part of the 89-acre site. The proposed site design meets the minimum lot area and frontage required by the Land Development Code's residential development standards for the A-1 zoning district. The proposed rezoning is consistent with the Future Land Use Plan designation of residential (1DU/AC) and in compliance with the Comprehensive Plan and the Land Development Code provisions regarding residential uses. The proposed density is .7 on the subject site.

The surrounding zoning is PRD-5, Planned Residential Development District to the north, R-1, Estate Dwelling District to the south and west, R-3, Low Density Dwelling District to the east. The proposed rezoning is compatible with the surrounding zoning and existing land uses.

The subject property is governed by the Rural Life Style Regulation that requires 50-foot scenic corridor along Hiatus Road. The proposed site plan meets the Rural Life Style Regulations in terms of scenic corridor requirements, the minimum lot size of 35,000 square feet and the minimum lot width of 140 feet. The proposed rezoning is in harmony with the general intent and the purposed of the Town of Davie Land Development Code.

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## **Findings of Fact**

### **Rezoning:**

#### **Section 12-307(A) (1):**

**The following findings of facts apply to the rezoning request:**

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The Future Land Use Plan Map designates the parcel as Residential 1 DU/AC. The A-1 zoning district is a permitted zoning district within the Residential 1 DU/AC category. The proposed density of the site is .7 DU/AC, and therefore consistent with the comprehensive plan.*

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

*The requested A-1 zoning district is related and compatible to the adjacent zoning districts. The proposed use is consistent with the surrounding single family developments.*

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

*The existing AG, Agricultural District boundaries are logically drawn in relation to existing conditions on the subject property.*

- (d) The proposed change is not expected adversely affect living conditions in the neighborhood;

*The proposed change is compatible with the surrounding residential development. The proposed site plan meets the Rural Lifestyle Ordinance and scenic corridor requirements. The proposed change will allow the developer to achieve the proposed density and provide large wetlands and open spaces on site.*

- (e) The proposed change is not expected create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

*The zoning and land use allow the subject site to be developed at the maximum density of 98 units. Therefore, the anticipated traffic is well within the expected traffic level. In addition, prior to the final approval of plats by Broward County, traffic impacts will be assessed and concurrency must be met.*

- (f) The proposed change is not expected to adversely affect other property values;

*Surrounding property values are not expected to be adversely impacted by rezoning the site to A-1 zoning district as the proposed zoning district is compatible with the surrounding zoning district.*

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

*The proposed change will not deter adjacent property owners from improving their property.*

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

*This request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification. Therefore, it does not constitute a grant of special privilege.*

- (i) There may not be substantial reasons why the property cannot be used in accord with existing zoning.

*The subject property can be developed under the existing AG, Agricultural District designation, which requires the minimum lot size of 43,560 square feet. However, the proposed rezoning will allow the developer to achieve the proposed number of units and exceed the Rural Lifestyle requirements in terms of scenic corridor buffer and open space requirements, minimum lot size and lot width while the proposed density is still lower than the density permitted by the Future Land Use Plan Map designations.*

- (j) The proposed zoning designation is one of the most appropriate designations to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

*The proposed zoning designation will allow more single family units to be developed consistent with the Future Land Use Plan Map than the existing designation of AG. Therefore, it is one of the most appropriate designations to enhance the Town's tax base.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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### **Planning and Zoning Board Recommendation**

At the October 8, 2003, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve (Motion carried 5-0).

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### **Exhibits**

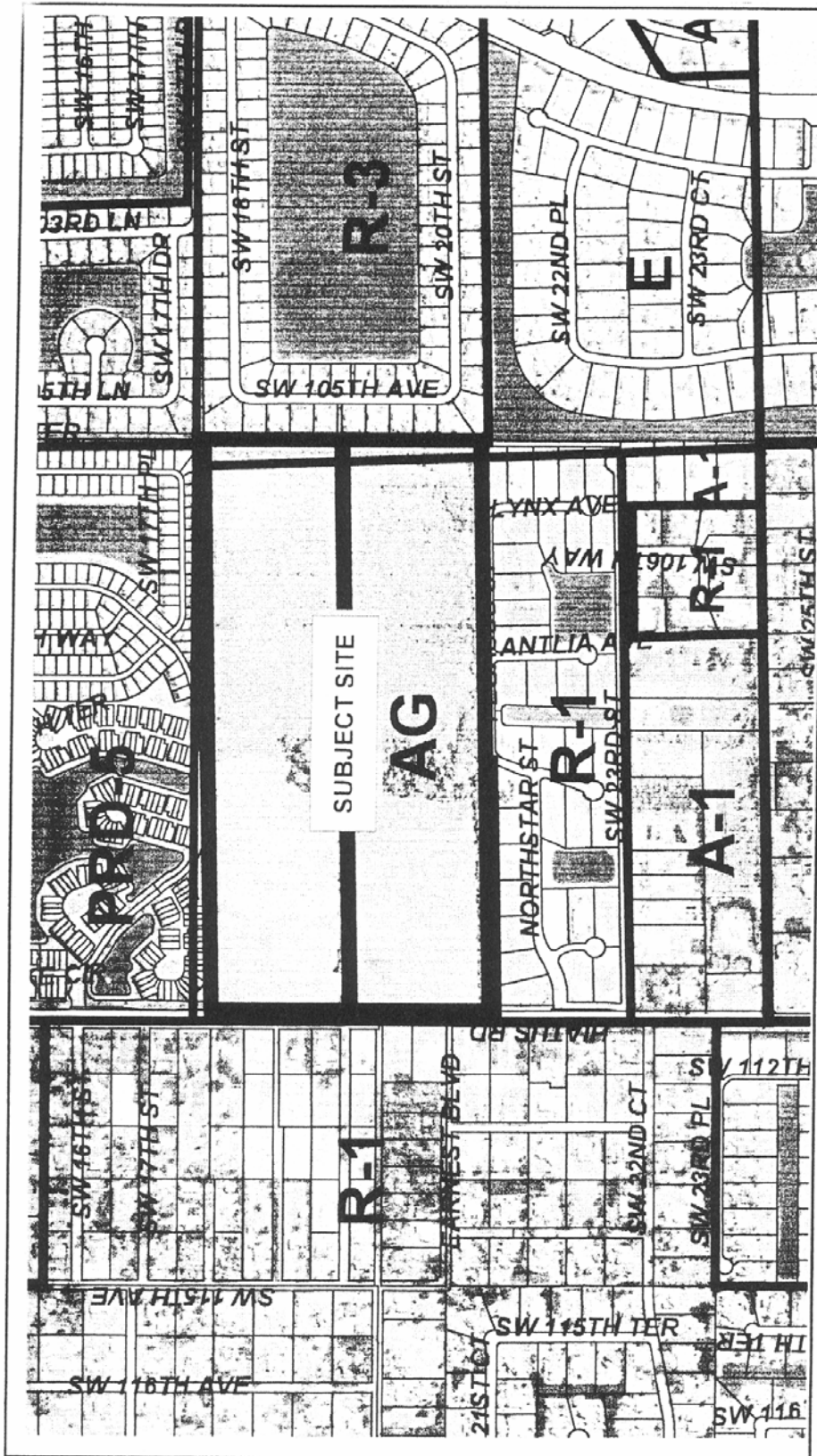
1. Justification
2. Conceptual Site Plan
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_







Date Flown:  
12/31/00



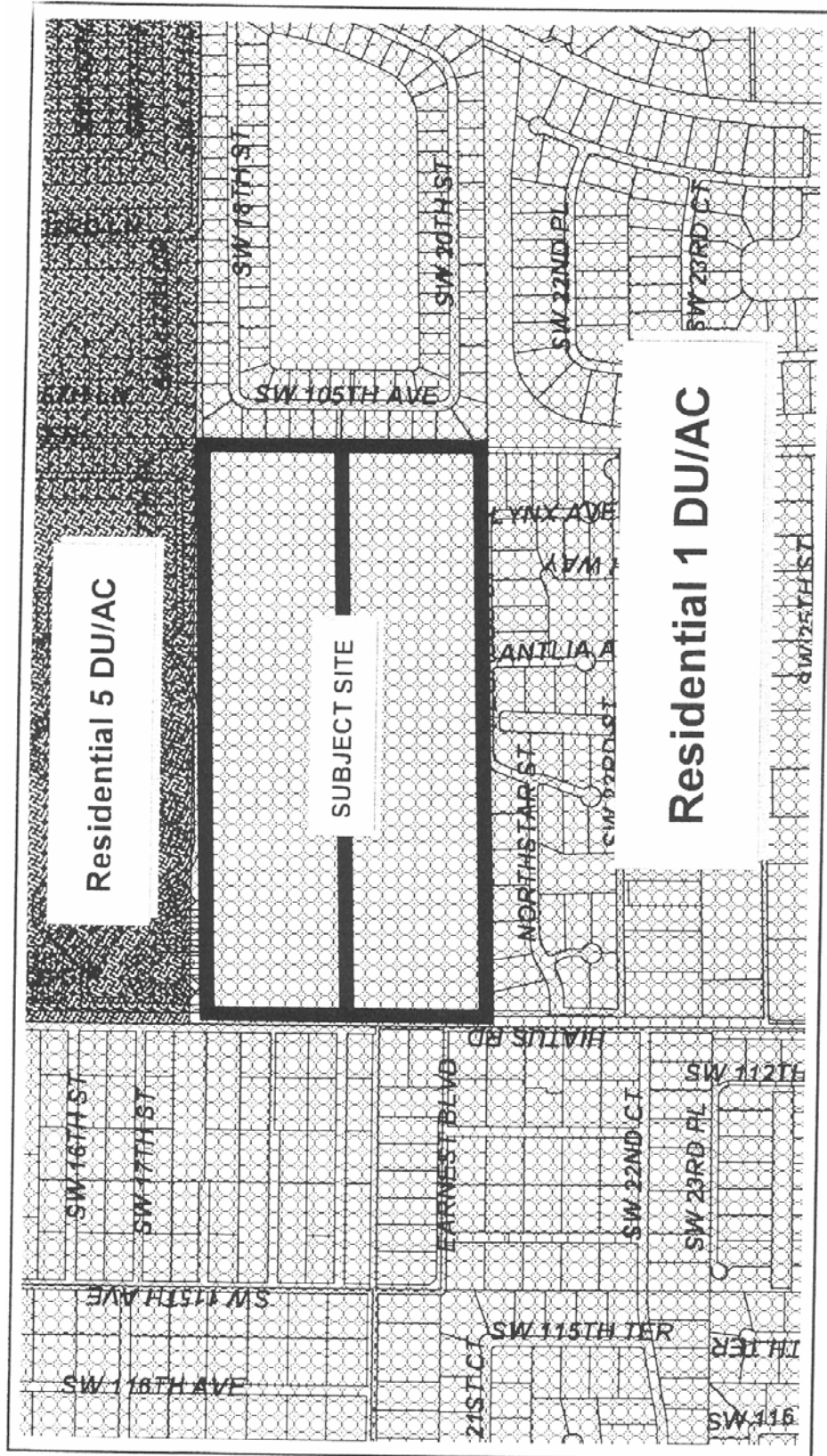
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Planning & Zoning Division - GIS



# REZONING ZB 3-5-03 Zoning and Aerial Map

Prepared By: AF  
Date Prepared: 9/22/03



**REZONING**  
**ZB 3-5-03**  
**Future Land Use Map**



Prepared By: AF  
 Date Prepared: 9/22/03





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Planning & Zoning Division - GIS

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